

**MINUTES  
EAGAR TOWN COUNCIL  
REGULAR MEETING  
22 W. 2<sup>nd</sup> St., Eagar, AZ  
March 15, 2011 – 7:00 P.M.**

Mayor Kim Holaway called the regular council meeting to order and welcomed those present. Mayor Holaway said to let the record show that all council members are present. Mayor Holaway led the Pledge of Allegiance and Gary Finch offered the invocation.

COUNCIL PRESENT:        Kim Holaway, Mayor  
                                 James Nelson, Jr., Vice-Mayor  
                                 Byron Smith  
                                 Gary Finch  
                                 Steve Erhart  
                                 Tim Rasmussen  
                                 Debbie Rogers

STAFF PRESENT:         Bill Greenwood, Town Manager  
                                 Eva Wilson, Town Clerk  
                                 Katie Wood, Finance Administrator  
                                 Mike Hogan, Police Chief  
                                 Elwin Browning, Public Works Administrator  
                                 Howard Carlson, Fire Chief  
                                 Marion Wiltbank, Assistant Town Clerk

**ITEM #5: SUMMARY OF CURRENT EVENTS**

**A. MAYOR**

Mayor Kim Holaway reported a *Kids in the Woods* meeting on March 15, 2011. This program wants to partner with the Town to develop the infrastructure for the proposed fishing pond.

The 2010 Census numbers are out and the Town of Eagar grew by 850 people, with a population of 4885. This growth will allow more funding from the State.

**B. COUNCIL**

Councilor Debbie Rogers reported that she attended an Open House for a new privately owned potash mine that is opening near the Petrified Forest – 17 miles east of Holbrook. All the permitting and agreements are in place and they are working with Arizona Department of Environmental Quality. The mine is quite substantial in size and is expected to have a one hundred year life. It was reported that the average wage at the mine will be \$75,000 annually and will provide 300-500 jobs. It will be 3-5 years before the mine is fully operational. Investors from all over the world were bussed to the site for the Open House. The mine will

be underground 800-1200 feet. The potash and byproduct, salt, will be shipped by rail to California for distribution and exportation.

C. STAFF

Town Manger Bill Greenwood reported that he forwarded Council's concerns to Game and Fish regarding the Lease and Cooperative Agreements. The agreements are back with Game and Fish attorneys. Will make every effort to have the agreements on April 5<sup>th</sup> agenda.

In regards to the proposed annexation west of town, Mr. Greenwood wanted the Council to know that the *Growing Smarter Initiative* requires annexations to have infrastructure in place within ten years of the annexation. The proposed annexation would require four miles of water and sewer lines to be laid for an area with no residences.

Town Clerk Eva Wilson reported that the notice regarding Newly Elected Officials Training has been released. Any Councilors interested are to notify Ms. Wilson.

The Clerk's office will be hiring a Title V employee who will be assigned as a filing clerk. The Title V program and participants are administered by the Department of Labor through Northern Arizona Council of Governments.

Police Chief Mike Hogan reported that one of the newly purchased police vehicles is ready for patrol after much work by Lieutenant Frazier, and others.

A Citizens Patrol Academy will start on April 7, 2011 and will last for ten weeks. After graduation, citizens may qualify to become Citizen Patrol Volunteers.

Cadet Porter was recently injured at the academy; he has recovered and is doing very well. Cadet Porter is expected to graduate in June.

**ITEM #6: OPEN CALL TO THE PUBLIC**

Suzann Tresize, Secretary and Activities Director for the local archeological society reported that in recognition of archeology month the society is holding a Family Day event on Saturday, March 19<sup>th</sup> at Casa Malpais Museum. Families and children may participate in a mock dig, corn grinding, and the use of manos and metates. Matt Peebles, PhD Candidate, will be delivering a free talk, *Social Changes Across the Prehistoric Cibola World*, regarding the local archaeological cultures.

Becki Christensen reported that the *Arizona Visitor's Guide* is now available. She distributed the magazine and pointed out the Northern Arizona expose and *The Other Arizona* advertisement. This is the first time in a long time that this area has had a presence in this magazine. The Chamber has been receiving calls regarding the article and has been sending out visitor packets.

Ms. Christensen reported the Chamber would be hosting Chrome in Dome on Saturday, April 16<sup>th</sup> – doors open at 8:00 a.m. The Copper Chopper will be present, expecting 107 entries, vendors will be present, and raffles will be held.

Ms. Christensen added that the *Wake Up Round Valley* will be held on Thursday, March 17<sup>th</sup> at 7:00 a.m. Two local accountants will be present to give talks regarding preparing tax reports.

## **ITEM #7: UNFINISHED BUSINESS**

### **A. DISCUSSION AND CONSIDERATION OF ANY ACTION TO BE TAKEN ON LEGISLATIVE ISSUES**

Councilor Steve Erhart reported on the status of HB 2500 that allows for political signs in the right of ways. Municipalities will be responsible for the “policing” of these signs within their boundaries.

SB 1379 limits the extent to which cities and towns may regulate the use of fireworks. That amendment prohibits the sale of fireworks in a county with a population of less than 500,000 people and containing between 2.5 and 5 million acres of federal land. It mandates that cities may not prohibit the use of consumer fireworks during the periods of June 15 to July 5 and December 12 to January 2. It recently went to third reading.

HB 2465 and HB 2466 may or may not affect the Town as the bills relate to annexation rules for towns and cities that are getting blocked in by federal or state land, or other cities and towns.

Mayor Kim Holaway commented on SB 1322 which is a managed competition and personnel competition mandate; a city/town shall have comprehensive private competition for city services. This bill may affect cities with a population threshold of 500,000 persons. Mayor Holaway added that it seems that rules and laws have been enacted due to unfavorable actions taken in the larger cities in Maricopa and Pima counties and then the laws are applied to all cities and towns. Mayor Holaway quoted the League of Arizona Cities and Towns Bulletin in stating, *“Although these bills, in their current form, apply only to Arizona's largest cities, they represent a terrible precedent and a frontal assault on local control and self-governance.”*

Regarding legislative issues the Mayor asked the Council if it would be appropriate to place an agenda item on the Navajo and Apache Counties Mayor and Council Association Agenda to bring up this collective trend in legislative bills. The Association meeting will be held in Holbrook on April 4<sup>th</sup>. The Council agreed with the suggestion.

Mayor Holaway pointed out that many of these bills have no relationship to the State budget (reducing the budget). Instead they seem to be micromanaging at the local level, even though a concern of the Governor and some of these same legislators is that the federal government is overreaching their authority onto states.

**B. DISCUSSION, CONSIDERATION, AND SECOND READING OF ORDINANCE 2011-01 AMENDING TITLE 13, CHAPTER 13.60 – CEMETERY**

Mayor Holaway stated that this is the second reading of the ordinance and Mrs. Wiltbank is present to answer any other questions.

Councilor Gary Finch had concern about the flat headstones and families not being able to locate their loved ones. Councilor Rasmussen stated that a directory is placed in the cemetery and that recommendations to name the various sections would help locate gravesites. Mrs. Wiltbank added that it takes a town crew all week to mow the cemetery. The Spruce section was supposed to allow only flat headstones, yet one family was allowed to place a headstone, setting precedence. The sprinklers cannot cover the grass beyond the tall headstones, and it is difficult for heavy equipment to dig around the headstones. Mr. Burnham of Burnham Mortuary had been consulted and he stated that flat headstones were becoming customary. The flat headstones will only apply to the newest section that is currently under construction.

Councilor Steve Erhart moved to approve Ordinance 2011-01 amending Title 13, Chapter 13.60 on the Cemetery. Councilor Byron Smith seconded; all were in favor, motion carried unanimously. 7-0

**ITEM #8: NEW BUSINESS**

**A. DISCUSSION AND CONSIDERATION TO WRITE A LETTER OF SUPPORT FOR THE ROUND VALLEY ANIMAL RESCUE**

Round Valley Animal Rescue (RVAR) President Debra Muir reported that the RVAR has been striving to open a no-kill shelter. They have received a donation of land to build a shelter in the county (out of town limits east of Springerville). The RVAR approached Apache County Zoning for a Conditional Use Permit, however it was tabled due to opposition from two neighbors.

The planned facility will house approximately 24 cats and 24 dogs and will be manned 24/7 by a site manager. The closest neighbor is over 300 feet. The proposed site plan calls for a block wall to surround the kennels for noise reduction, and trees, shrubs and vegetation will surround the perimeter of the property. The inside of the facility will have acoustic tiles installed. The RVAR is heavily considering the neighbors and aesthetics of the facility.

The organization provides a valuable service to the Towns of Eagar and Springerville in that the RVAR has assisted the animal control departments in finding homes for numerous cats and dogs decreasing euthanasia by 30% for Eagar. Ms. Muir stated that the organization is operated by volunteers, and is financed by fundraisers, donors, and the thrift store. The RVAR is also an asset to the community as it contributes to other charitable organizations and families in need.

The Eagar Council was in support of Mayor Holaway writing a letter of support for the Round Valley Animal Rescue.

B. DISCUSSION AND CONSIDERATION OF RESOLUTION 2011-11 APPROVING A LEASE AGREEMENT BETWEEN THE BOYS AND GIRLS CLUB OF ROUND VALLEY AND THE TOWN OF EAGAR FOR USE OF THE FORMER DAYCARE BUILDING AT THE RAMSEY PARK NORTH PROPERTY ON THE NORTHEAST CORNER OF BUTLER AND 2<sup>ND</sup> AVENUE

The Boys and Girls Club of Round Valley Chairs Melissa Webb and Steve Christensen advised the Council of all the services that the Boys and Girls Club will provide to the community's youth so they can reach their full potential. The Boys and Girls Club will have strong relationships with local governmental entities, law enforcement, and educational institutions. Mr. Christensen named many programs that the Club will provide to help keep the children out of the juvenile court system. Ms. Webb added that the schools have agreed to bus the children to the center and there they will find on site help with homework. The Club will have an open door policy to encourage the parents to come in and volunteer. Membership is open to every child with a minimal fee; scholarships will be available.

The Club will hire two full-time paid positions, a director and program coordinator. The rest of the positions are part-time. All employees must pass a background check.

Town Manager Bill Greenwood pointed out a concern he had with the agreement under #5-A. He is not sure that all of the building's mechanical, plumbing or electrical systems are operational since the Town has never occupied the building since its purchase. Mr. Christensen hopes that the Club and the Town can work out an arrangement that will benefit both without placing a burden on either party.

As the Boys and Girls Club offers a service that adheres to the guidelines of the State Parks Grant, there is no problem with the Club occupying that facility. Vice-Mayor Nelson stated that the Town purchased the property with the intention of providing recreational opportunities to the community. The Town no longer has a recreational department to offer the types of services the Boys and Girls Club will offer and in essence the Boys and Girls Club is replacing the Town's recreational programs. Therefore, any costs to maintain the building or bring the building into code, is the price the Town will pay for recreational programs that they can no longer provide, and is only the beginning of a partnership that will benefit the residents of Eagar.

Mayor Holaway added that the site selection committee of the Club investigated many options for their facility in the Round Valley and this old daycare building location was deemed the most logical and beneficial due to its central location to schools, bus routes and Ramsey Park.

After some discussion an amendment was recommended for #5-A of the agreement which is stated in the motion.

Vice-Mayor James Nelson, Jr. moved to approve Resolution 2011-11 approving a Lease Agreement between the Boys and Girls Club of Round Valley and the Town of Eagar for use of the former daycare building at the Ramsey Park North property on the northeast corner of Butler and 2<sup>nd</sup> Avenue, and modifying the Lease on Item #5 *Care and Repair of Premises*: fourth sentence to read “*Lessor and Lessee will negotiate for repair or replacement of building*”... Councilor Byron Smith seconded; all were in favor, motion carried unanimously. 7-0

C. DISCUSSION AND CONSIDERATION TO AWARD BID FOR ENGINEERING SERVICES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT SEWER LINE RELOCATION FOR THE FOOTHILLS SUBDIVISION (BROWN AND HAMBLIN STREETS)

Mr. Greenwood advised the Council that the Town received four bids for this project. Mr. Greenwood and Public Works Administrator Elwin Browning reviewed all proposals. Ironside Engineering & Development, Inc. submitted the low bid of \$9,400. He recommends the Council accept the low bid.

Vice-Mayor James Nelson, Jr. moved to award the bid for engineering services for the Community Development Block Grant Project Sewer Line Relocation for the Foothills Subdivision (Brown and Hamblin Streets) to the lowest bidder Ironside Engineering and Development Inc. for \$9,400. Councilor Steve Erhart seconded; all were in favor, motion carried unanimously. 7-0

D. DISCUSSION AND CONSIDERATION OF CURRENT FISCAL YEAR COUNCIL BUDGET IN REGARDS TO THE CENTENNIAL PROJECT

During the Work Session held on this same date, there was discussion regarding moving unused expenditure funds to a line item for the Centennial Project. Vice-Mayor Nelson stated that the remaining budget for the Council is approximately \$10,600; and recommended moving eighty percent, \$8000, to the Centennial Project leaving some funds in the budget.

Mayor Holaway recommended leaving it open without a dollar amount as unexpended money may not be used until May and it's not as restrictive. The line item already has \$5,700 budgeted for the project.

Vice-Mayor James Nelson, Jr. moved to approve for the current fiscal year council budget that the Council designate \$9000 in regards to the Centennial Budget including the Economic Development line item that is already established. Councilor Debbie Rogers seconded; all were in favor, motion carried unanimously. 7-0

E. DISCUSSION OF THE 2010 POLICE DEPARTMENT EXECUTIVE SUMMARY REPORT

Chief Mike Hogan prefaced that the community we live in is great, but it is changing. We have crime in Eagar. People spit at officers, they pull knives and they have pointed guns at

them but the council is unaware of all these conflicts, because these are the risks police officers face in performing their jobs every day. This report summarizes what's going on and what the police department has done to combat crime in our community.

The large jump in percentages does not necessarily indicate a large jump in crimes. If the comparison shows one crime happening last year, and two happening this year, it is a 50 % increase.

Councilor Finch asked if the increase in crimes has resulted from the decrease in officers, training, or equipment or if the increase is a result of Eagar's growth. Chief Hogan does not see the reduction of any of these items as a factor. The economy may be a factor as people lose jobs they may perform desperate acts. Councilor Finch does not want to see the police department lack funds sufficient to perform their job.

Councilor Rogers noted the significant decrease in DUI arrests – she was curious if it was because the police department did not have the manpower to make the necessary traffic stops that often lead to DUI arrests. Chief Hogan would like to think that the decrease in DUI arrests is due to the Governor's Office of Highway Safety grants for DUI abatement. Officers are making a lot of traffic stops, contacting people, but there are a lot of people that have been influenced by the DUI abatement awareness.

Councilor Erhart wanted to know if repeat offenders played a large part in committing the crimes. Chief Hogan said there are a lot of repeat offenders, and arrestees are often released due to shortage of space at the jail. It costs a lot of money to house a prisoner.

The police department was commended for stretching their funding, and providing the statistics stated in the report with the manpower they have now. Chief Hogan gave credit to his employees and volunteers for his department's success.

F. DISCUSSION AND CONSIDERATION TO UTILIZE THE SOUTHEAST CORNER OF BUTLER AND 3<sup>RD</sup> AVENUE AS A PROPOSED FIRE STATION LOCATION

Chief Howard Carlson reiterated the discussions of the past regarding placing a fire station on the corner of Butler Street and 3<sup>rd</sup> Avenue. Chief Carlson would like the Council to tell him yes or no, whether this property could be utilized for the building of a fire station. He needs a specific location for a future fire department when he applies for grants – they stipulate the applicant have property secured before considering the application.

Vice-Mayor James Nelson, Jr. stated that the Ramsey Park North property was purchased for the purpose of recreational facilities and use. The growth of the town will be to the east and west not north and south so this location is not ideal for a fire station. Even if a grant is obtained, it is not economically a good time to build a fire station.

Councilor Steve Erhart noted that the survey regarding Ramsey Park North did not allow for a fire station on the property, only recreational facilities.

Mayor Holaway feels that a main artery of the town would be a better place to build a fire station. The park property was purchased for recreational purposes, and the population growth, and the remodeling of the current fire stations does not warrant building a new fire station at this time.

Councilor Steve Erhart moved to proceed with the planning and design of the remaining portion of the Ramsey Park North property exclusively as a sports and recreation area. Mayor Kim Holaway seconded; all were in favor, motion carried unanimously. 7-0

**G. DISCUSSION AND CONSIDERATION OF RESOLUTION 2011-10 OPPOSING SB1525 IN REGARDS TO DEVELOPMENT FEES**

Vice-Mayor James Nelson, Jr. moved to approve Resolution 2011-10 opposing Senate Bill 1525 in regards to development fees. Councilor Gary Finch seconded; all were in favor, motion carried unanimously. 7-0

**H. DISCUSSION AND CONSIDERATION OF RESOLUTION 2011-09 DECLARING ORDINANCES 2011-01, 2011-02, AND 2011-03 PUBLIC RECORD FILED IN CLERKS OFFICE**

Town Clerk Eva Wilson explained that this resolution allows for published notification that these lengthy ordinances may be reviewed in their entirety in the clerk's office. This saves a significant amount of legal advertising costs.

Vice-Mayor James Nelson, Jr. moved to approve Resolution 2011-09 declaring Ordinances 2011-01, 2011-02, and 2011-03 public record filed in clerk's office. Councilor Erhart seconded; all were in favor, motion carried unanimously. 7-0

**ITEM #9: SIGNING OF DOCUMENTS**

Mayor Holaway signed Ordinance 2011-01, and Resolutions 2011-9, 2011-10, 2011-11, and the Boys and Girls Club of Round Valley lease agreement.

**ITEM #10: ADJOURNMENT**

Councilor Gary Finch moved to adjourn the meeting at 8:46 p.m. Councilor Steve Erhart seconded; all were in favor and the motion carried unanimously. 7-0

Attest: \_\_\_\_\_

Mayor: \_\_\_\_\_

Vice-Mayor: \_\_\_\_\_

Eagar Council Regular Session  
March 15, 2011

Council: \_\_\_\_\_

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CERTIFICATION OF COUNCIL MINUTES

I hereby certify that the foregoing minutes are true and correct copy of the minutes of the regular session of the Town of Eagar, Arizona held on March 15, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

\_\_\_\_\_  
Eva M. Wilson, Town Clerk